

[STATE ARMS]

New South Wales

De Facto Relationships Amendment Bill 1998

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to define a ***domestic relationship***, and to amend the *De Facto Relationships Act 1984* so that its provisions will extend to apply to the parties to a domestic relationship in the sense defined, and
- (b) to amend certain other Acts whose provisions confer rights or impose obligations with respect to persons who are spouses by marriage or by a de facto marriage relationship so that those provisions will extend to apply:
 - (i) in some cases, to the parties to a domestic relationship, and
 - (ii) in other cases, to persons of the same sex who are in a stable, committed and cohabiting relationship.

The Bill proposes to rename the amended Act as the *De Facto and Domestic Relationships Act 1984*.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Clause 3 is a formal provision giving effect to the amendments to the *De Facto Relationships Act 1984* set out in Schedule 1.

Clause 4 is a formal provision giving effect to amendments to the Acts set out in Schedule 2.

Schedule 1 Amendment of De Facto Relationships Act 1984

De facto relationships

Schedule 1 [3] omits the definitions of *de facto relationship* and *de facto partner* from section 3 and **Schedule 1 [4]** re-defines de facto relationship for the purposes of the Act so that the concept includes same-sex couples (that is, persons of the same sex living together in a committed relationship).

Domestic relationships

Schedule 1 [4] and **[8]** together define a *domestic relationship* for the purposes of the Act. A domestic relationship is a relationship between two adult persons who are not married but who have a close personal relationship of interdependence. A domestic relationship may or may not be a de facto relationship.

Consequential amendments

Other amendments made by Schedule 1 are consequential. The effect of the amendments is that rights and obligations previously subsisting on account of a de facto relationship will now apply regardless of gender, and will also apply in relation to a domestic relationship in the sense described above.

Schedule 2 Amendment of other Acts

Schedule 2 amends provisions of various other Acts that mention de facto relationships or spouses. In general, the amendments have the effect of extending the provisions of the amended Act so that they apply to persons who are parties to a de facto relationship (as re-defined by **Schedule 1 [4]**). In the case of some Acts, however, the amendments have the effect of extending the provisions of the amended Act to persons who are parties to a domestic relationship, whether or not it is a de facto relationship. An explanatory note briefly describing the effect of the amendments to each Act is given at the end of those amendments.